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Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[01 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Violation of Fair Trial standards in the case of the Bahraini opposition leader Sheikh Ali Salman

On the morning of 28th December 2014, the Bahraini opposition leader Sheikh Ali Salman, who heads the largest opposition political association, was arrested by order of the public prosecutor after two days of his re-election as Secretary-General of Wefaq Association after he called for the establishment of a democratic system and government accountability. The public prosecution quickly filed him to the fourth High Criminal Court, which issued its primary ruling incarcerating him for four years on Tuesday, June 16, 2015.

In addition to the pre-trial guarantees, which was absent during the investigation it can be said that the trial of Sheikh Ali Salman does not follow the international standards for fair trial and among the guarantees absent during the trial:

- The right to equality before the law and the courts.
- The right to trial before an independent and impartial court of competent jurisdiction.
- The right to fair consideration of the issues.
- The right to public consideration of the issues.
- The presumption of innocence of the accused.
- The right to trial without undue delay.
- One's right to defend itself or through a lawyer that defends him.
- The right to attend trials and appeal hearings.
- The right to call witnesses and interrogate them.
- The right to equal opportunities of defense.

The following are some facts and events that emphasize the absence of previous guarantees in the trial of Sheikh Ali Salman, whether by the court that issued the first instance judgment or in the Court of appeal:

- Court hearings were held in private, in a procedural violation of a clear decision in the Constitution and the law, and without a decision to this effect, it has prepared a pre-defined list attendees, and those who are not on the list has no right to have access, which makes the sessions in not in public. The family of Sheikh Ali Salman had been deprived of attending the trial, as well as leaders of the opposition Wefaq. Moreover, journalists who are allowed to enter are determined and the court rejected the request of the defense to obtain a copy of the pleading of Public Prosecution, while obtained by some newspapers.
- Some of the defense lawyers are inspected, in a manner contrary to the established procedures in the courts. This behavior would impact on the psychology of the defense and the defense has complained about that behavior more than once.
- The charges in the case are based on what is contained in the letters of His Eminence Sheikh Ali Salman. Parts of these letters are deleted in a way that makes it carry unbearable meanings.
- The court refused, without an acceptable reason, the request made by the defense to call the interior minister, and head of public security, despite the fact that the Interior Minister had directly speak about the case. His statement confirms that the actions had been taken for political reasons represented in the decision of Al-Wefaq Association to boycott elections that took place in November 2014.
- The defense body complained of writing minutes of hearings in a way different to the reality of the hearings of the case, which affects Sheikh Ali Salman's legal position in the case, in some cases. The court's decision includes attaching the correction requests in the file, without being corrected, and when the court is requested to give a copy of the hearings minutes on May 20 2015, the court rejected the request, which is a clear violation of the principles of a fair trial.
- The Court declined in the interrogation hearings of the only attesting witness to directing the vast majority of defense questions, and prevent the defense body to recite the phrases cited by the witness in the record of the investigation, and confronting him with the correct phrases in a way that conceal the truth from appearing, and prevents detection of weakness upon which investigations Minutes is based and impugned by fraud. The court also banned confronting the witness with his speeches, according to the defense; the court has failed to achieve the principle of prima facie evidence of fair trial, which is considered the most important guarantees.
- What happened at the court hearing on May 20, 2015 was shocking, according to the defense. Therefore, the court decided to refuse to offer evidence of defense that denied the charges, represented in the videos that include speeches

that refute the accusations, and reveal maliciousness, and refused to hear any words from Sheikh Ali Salman, and the meeting was adjourned in aggressive manner. The case is reserved for the rule of the session June 16, 2015, without allowing the defense to submit its defense, or their notes and files before the court.

We have found through follow-up of the trial the following:

- The absence of the merits of the detention and judicial harassment, making it arbitrary because it results in the exercise of Political Affairs recognized in international law and the Bahraini legislation.
 - The prosecutors and the court violated large number of rights and freedoms guaranteed by international law and the Bahraini law.
 - It is clear that the court does not have the administrative and financial independence, which has a direct impact on the independence of the courts and provisions.
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